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Attorney for Petitioners  
ALONZO DEON JOHNSON and DARRYL THOMPSON

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO DEON JOHNSON,	)	No. Civ. S 03-2063 RBB JFM P
	)	
Petitioner,	)	<b>UNOPPOSED APPLICATION TO EXTEND</b>
	)	<b>TIME TO FILE POST-HEARING BRIEFS;</b>
v.	)	<b>DECLARATION OF COUNSEL; ORDER</b>
	)	
CLAUDE E. FINN, Warden,	)	
	)	
Respondent.	)	
	)	
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DARRYL THOMPSON,	)	No. Civ. S 04-2208 RBB JFM P
	)	
Petitioner,	)	<b>UNOPPOSED APPLICATION TO EXTEND</b>
	)	<b>TIME TO FILE POST-HEARING BRIEFS;</b>
v.	)	<b>DECLARATION OF COUNSEL; ORDER</b>
	)	
TOM L. CAREY, Warden,	)	
	)	
Respondent.	)	
	)	
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Pursuant to Local Rule 6-142, Petitioners, ALONZO DEON JOHNSON and DARRYL THOMPSON, by and through their counsel, Assistant Federal Defender David M. Porter, hereby request an extension of 14 days in which to file the post-hearing reply brief, which is currently due on April 10, 2008.

This extension is being sought for the reasons set forth in the accompanying declaration of counsel.

1        This extension is not interposed to unduly delay the proceedings,  
2 to gain unfair advantage, or for any other improper purpose. The  
3 undersigned has contacted respondent's counsel, Deputy Attorney General  
4 R. Todd Marshall, who graciously indicated that he has no opposition to  
5 the requested extension. Accordingly, petitioners request this Court  
6 enter the order lodged with this request.

7 Dated: April 10, 2008

8                                Respectfully submitted,

9                                DANIEL J. BRODERICK  
10                               Federal Defender

11                               /s/ David M. Porter  
12                               DAVID M. PORTER  
13                               Assistant Federal Defender  
14                               Attorney for Petitioners  
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DECLARATION OF COUNSEL

I, David M. Porter, declare as follows:

1. I am employed by the Office of the Federal Defender for the Eastern District of California and the attorney responsible for the above-entitled matter.

2. On February 20, 2008, this Court issued an order setting the deadline for the filing of post-hearing briefing, the reply brief of which is due April 10, 2008.

3. While the undersigned has exercised diligence in meeting the deadline, he has been unable to do so because of significant responsibilities he incurred when he was assigned to assist inmates in the Eastern District of California apply for reductions in sentence pursuant to the retroactively applicable crack cocaine amendment of the United States Sentencing Commission. In addition to these responsibilities, the undersigned has oral argument on April 14, 2008 in *Lugo v. Terhune*, Ninth Cir. Docket No. 07-16031.

4. On April 10, 2008, respondent's counsel, Deputy Attorney General R. Todd Marshall, graciously indicated that he had no objection to the requested extension.

I declare under penalty of perjury that the matters herein as to which I have personal knowledge are true and correct, and as to other matters, I believe them to be true and correct.

DATED: April 10, 2008

/s/ David M. Porter  
David M. Porter

O R D E R

Pursuant to the unopposed application of petitioners, and good cause appearing therefor, the request for extension of time to file the post-hearing reply brief is GRANTED. The reply brief is due April 24, 2008. No further extensions of time will be granted.

DATED: April 14, 2008.

  
UNITED STATES MAGISTRATE JUDGE

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